

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EMMANUEL A. WINTERS,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:17CV589-PPS/MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Emmanuel A. Winters, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in MCF 17-03-495, in which a Disciplinary Hearing Officer (DHO) at the Miami Correctional Facility found him guilty of possession of intoxicants in violation of B-231 on May 8, 2017. ECF 1 at 1. As a result, Winters was sanctioned with the loss of 30 days earned credit time. *Id.*

After Winters filed his petition, the finding of guilt and the sanctions were vacated. ECF 10-1. The Warden has filed a motion to dismiss because this case is now moot. ECF 10. Winters did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, I cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Winters has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison

disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

ACCORDINGLY:

The respondent warden's motion to dismiss (ECF 10) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on April 17, 2018.

/s/ Philip P. Simon
JUDGE
UNITED STATES DISTRICT COURT